

EXHIBIT B

Zivilprozeßordnung Code de procédure civile suisse Codice di diritto processuale civile svizzero Swiss Code of Civil Procedure

TEXTO spezial Gesetzesausgabe

Schweizerische Zivilprozeßordnung
Code de procédure civile suisse
Codice di diritto processuale civile svizzero
Swiss Code of Civil Procedure

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Helbing Lichtenhahn Verlag

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	(Translation: Prof. Dr. iur. Stephen V. Bert)	

Bibliografische Information der Deutschen Nationalbibliothek
 Die Deutsche Nationalbibliothek verzeichnet diese Publikation
 in der Deutschen Nationalbibliografie; detaillierte bibliografische Daten
 sind im Internet über <http://dnb.d-nb.de> abrufbar.

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ISBN 978-3-7190-2900-5

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Abréviations

PartG	Bundesgesetz vom 18. Juni 2004 über die eingetragene Partnerschaft gleichgeschlechtlicher Paare (Partnerschaftsgesetz; SR 21.1.231)
PatG	Bundesgesetz vom 25. Juni 1954 über die Erfindungspatente (Patentgesetz; SR 232.14)
s.	siehe
s.a.	siehe auch
SchKG	Bundesgesetz vom 11. April 1889 über Schuldabteilung und Konkurs (SR 281.1)
SR	Systematische Rechssammlung des Bundesrechts
StGB	Schweizerisches Strafgesetzbuch vom 21. Dezember 1937 (SR 311.0)
SVG	Strassenverkehrsgesetz vom 19. Dezember 1937 (SR 741.01)
SZPP	Schweizerische Zeitschrift für Zivilprozessrecht
vgl.	vergleichen Sie
ZGB	Schweizerisches Zivilgesetzbuch vom 10. Dezember 1907 (SR 210)
Ziff.	Ziffer
ZPO	Schweizerische Zivilprozessordnung vom 19. Dezember 2008 (Zivilprozessordnung; SR 272)
ZSR	Zeitschrift für Schweizerisches Recht

al.	alinéa
art.	article
CC	Code civil suisse du 10 décembre 1907 (RS 210)
CEDH	Convention du 4 novembre 1950 de sauvegarde des droits de l'homme et des libertés fondamentales (RS 0.101)
confer	confer
chiffre	chiffre
chap.	chapitre
CO	Loi fédérale du 30 mars 1911 complétant le code civil suisse (Livre cinquième: Droit des obligations; RS 220)
CP	Code pénal suisse du 21 décembre 1927 (RS 311.0)
CPC	Code de procédure civile du 19 décembre 2008 (RS 272)
Cst.	Constitution fédérale de la Confédération suisse du 18 avril 1999
FF	Feuille fédérale
ECR	Loi fédérale du 19 décembre 1958 sur la circulation routière (RS 741.01)
LDIP	Loi fédérale du 18 décembre 1987 sur le droit international privé (RS 291)
Leg	Loi fédérale du 24 mars 1995 sur l'égalité entre femmes et hommes (Loi sur l'égalité; RS 151.1)
let.	lettre
LFEP	Loi fédérale du 17 décembre 1993 sur le libre passage dans la prévoyance professionnelle vieillesse, survivants et invalidité (Loi sur le libre passage; RS 831.42)
LP	Loi fédérale du 11 avril 1889 sur la poursuite pour dettes et la faillite (RS 281.1)
LPart	Loi fédérale du 18 juin 2004 sur le partenariat enregistré entre personnes du même sexe (Loi sur le partenariat; RS 211.231)
LPP	Loi fédérale du 25 juin 1982 sur la prévoyance professionnelle vieillesse, survivants et invalidité (RS 831.40)
LRCN	Loi fédérale du 18 mars 1983 sur la responsabilité civile en matière nucléaire (RS 732.44); Loi fédérale du 13 juin 2008 sur la responsabilité civile en matière nucléaire
op. cit.	opere citato
P.	page
PPF	propriété/propriétaires par étages

Abbreviations

pag.	pagina
RDS	Rivista di diritto svizzero
RS	Raccolta sistematica del diritto federale
RSPC	Rivista svizzera di procedura civile
RU	Raccolta ufficiale delle leggi federali
s.	seguente
v.	vedi
art.	article
AS	Amtliche Sammlung des Bundesrechts, Official Compilation of Federal Legislation
BBI	Bundesblatt, Official Federal Gazette
CC	Swiss Civil Code of 10th December 1907 (SR 21.0)
CCP	Swiss Code of Civil Procedure of 19th December 2008 (SR 27.2)
CO	Swiss Code of Obligations of 30th March 1911 (SR 22.0) [Bundesgesetz vom 30. März 1911 betreffend die Ergänzung des Schweizerischen Zivilgesetzbuches (Fünfter Teil: Obligationenrecht)]
Convention	European Human Rights Convention of 4th November 1950 (SR 0.101)
DEB	Debt Enforcement and Bankruptcy Act of 11th April 1889 (SR 281.1)
lit.	litera
no.	number
PA	Partnership Act of 18th June 2004 (SR 211.231)
para.	paragraph
PC	Swiss Penal Code of 21th December 1937 (SR 311.0)
SR	Systematische Rechssammlung des Bundesrechts, Classified Compilation of Federal Legislation
TA	Traffic Act of 19th December 1958 (SR 741.01)

Introduction to the English translation

It is not infrequent that a code of civil procedure is enacted in Switzerland: the 26 Cantons hitherto empowered to legislate in this domain since the Federal Constitution of 1848 have done so numerous times. What is *new* this time is that the Code of Civil Procedure enacted by the Swiss Parliament on 19th December 2008 and expected to enter into force on 1st January 2011 will be the first *unified* code of civil procedure to apply to proceedings before the cantonal civil courts.

In my unofficial translation, based on the official German, French and Italian versions also published in this book, I have adhered as closely as possible to the wording used by the legislator, whilst mindful that there are functions of Swiss procedural law which might be comprehensible to an English speaking reader only if they are functionally described. I hope that my text will assist them in understanding the new law, and also be helpful for non-English speaking colleagues who are used to working in German, French or Italian and have occasion to explain the essence of Swiss law in English.

Any comments or queries are welcome (stephen.berli@unilu.ch).

Sent, 27th April 2009

Stephen V. Berli

- presa in considerazione delle prove già esperte e non più ripetibili 51 cpv. 2
- scoperta dopo la chiusura del procedimento 51 cpv. 3, *v. anche Revisione*

Vizio di volontà 284, 328 cpv. 1 lit. c
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4 Swiss Code of Civil Procedure (CCP)

19th December 2008

Translation: Prof. Dr. iur. Stephen V. Berti

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of 19th December 2008*
*The Federal Parliament of the Swiss Confederation,
based on article 122 Paragraph 1 of the Federal Constitution¹,
having noted the contents of the message of the Federal Council of 28th June 2006²,
herewith enacts:*

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Art. 1 Object

This Code governs proceedings before cantonal courts relating to:

- contentious civil cases;
- court orders in non-contentious civil matters;
- court proceedings in connection with debt enforcement and bankruptcy matters;
- arbitration.

Art. 2 International matters

The provisions of international treaties and of the Private International Law Act of 18th December 1987³ are reserved.

Art. 3 Organisation of the courts and conciliation authorities

Where the law does not otherwise provide, the organisation of the courts and the conciliation authorities is governed by cantonal law.

¹ SR 101
² BBl 2006 7221
³ SR 201

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